



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0404

Introduced 2/7/2007, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

210 ILCS 50/3.150
745 ILCS 49/12
745 ILCS 49/67

Amends the Emergency Medical Services (EMS) Systems Act and the Good Samaritan Act. Under the Emergency Medical Services (EMS) Systems Act, provides for civil immunity for an agency, organization, or individual who sponsors, authorizes, supports, finances, or supervises the training of persons in the use of automated external defibrillators, first aid, or aquatic skills (in addition to cardiopulmonary resuscitation) in a course which complies with generally recognized standards of the American Red Cross, the American Heart Association, or the National Safety Council. Provides for similar immunity for an individual who teaches such a course of instruction. Under the Good Samaritan Act, provides for civil immunity for a person who is certified in aquatic skills by the American Red Cross or the American Heart Association and who in good faith uses aquatic skills to provide aid without fee to any person. Also changes "automatic external defibrillator" to "automated external defibrillator". Effective immediately.

LRB095 07684 DRJ 27836 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Emergency Medical Services (EMS) Systems Act
5 is amended by changing Section 3.150 as follows:

6 (210 ILCS 50/3.150)

7 Sec. 3.150. Immunity from civil liability.

8 (a) Any person, agency or governmental body certified,
9 licensed or authorized pursuant to this Act or rules
10 thereunder, who in good faith provides emergency or
11 non-emergency medical services during a Department approved
12 training course, in the normal course of conducting their
13 duties, or in an emergency, shall not be civilly liable as a
14 result of their acts or omissions in providing such services
15 unless such acts or omissions, including the bypassing of
16 nearby hospitals or medical facilities in accordance with the
17 protocols developed pursuant to this Act, constitute willful
18 and wanton misconduct.

19 (b) No person, including any private or governmental
20 organization or institution that administers, sponsors,
21 authorizes, supports, finances, educates or supervises the
22 functions of emergency medical services personnel certified,
23 licensed or authorized pursuant to this Act, including persons

1 participating in a Department approved training program, shall
2 be liable for any civil damages for any act or omission in
3 connection with administration, sponsorship, authorization,
4 support, finance, education or supervision of such emergency
5 medical services personnel, where the act or omission occurs in
6 connection with activities within the scope of this Act, unless
7 the act or omission was the result of willful and wanton
8 misconduct.

9 (c) Exemption from civil liability for emergency care is as
10 provided in the Good Samaritan Act.

11 (d) No local agency, entity of State or local government,
12 or other public or private organization, nor any officer,
13 director, trustee, employee, consultant or agent of any such
14 entity, which sponsors, authorizes, supports, finances, or
15 supervises the training of persons in the use of a basic
16 cardiopulmonary resuscitation, automated external
17 defibrillators, first aid, or aquatic skills in a course which
18 complies with generally recognized standards of the American
19 Red Cross, the American Heart Association, or the National
20 Safety Council, shall be liable for damages in any civil action
21 based on the training of such persons unless an act or omission
22 during the course of instruction constitutes willful and wanton
23 misconduct.

24 (e) No person who is certified to teach the use of basic
25 cardiopulmonary resuscitation, automated external
26 defibrillators, first aid, or aquatic skills and who teaches a

1 course of instruction which complies with generally recognized
2 standards of the American Red Cross, the American Heart
3 Association, or the National Safety Council for the use of
4 basic cardiopulmonary resuscitation, automated external
5 defibrillators, first aid, or aquatic skills shall be liable
6 for damages in any civil action based on the acts or omissions
7 of a person who received such instruction, unless an act or
8 omission during the course of such instruction constitutes
9 willful and wanton misconduct.

10 (f) No member or alternate of the State Emergency Medical
11 Services Disciplinary Review Board or a local System review
12 board who in good faith exercises his responsibilities under
13 this Act shall be liable for damages in any civil action based
14 on such activities unless an act or omission during the course
15 of such activities constitutes willful and wanton misconduct.

16 (g) No EMS Medical Director who in good faith exercises his
17 responsibilities under this Act shall be liable for damages in
18 any civil action based on such activities unless an act or
19 omission during the course of such activities constitutes
20 willful and wanton misconduct.

21 (h) Nothing in this Act shall be construed to create a
22 cause of action or any civil liabilities.

23 (Source: P.A. 89-177, eff. 7-19-95; 89-607, eff. 1-1-97.)

24 Section 10. The Good Samaritan Act is amended by changing
25 Sections 12 and 67 as follows:

1 (745 ILCS 49/12)

2 Sec. 12. Use of an automated ~~automatic~~ external
3 defibrillator; exemption from civil liability for emergency
4 care. Any person who has successfully completed the training
5 requirements of a course in basic emergency care of a person in
6 cardiac arrest that:

7 (i) included training in the operation and use of an
8 automated ~~automatic~~ external defibrillator; and

9 (ii) was conducted in accordance with the standards of
10 the American Heart Association,
11 and who, in good faith, not for compensation, renders emergency
12 medical care involving the use of an automated ~~automatic~~
13 external defibrillator in accordance with his or her training
14 is not liable for any civil damages as a result of any act or
15 omission, except for willful and wanton misconduct, by that
16 person in rendering that care.

17 (Source: P.A. 90-746, eff. 8-14-98.)

18 (745 ILCS 49/67)

19 Sec. 67. First aid or aquatic skills providers; exemption
20 for first aid or use of aquatic skills. Any person who is
21 currently certified in first aid or aquatic skills by the
22 American Red Cross, the American Heart Association, or the
23 National Safety Council and who in good faith provides first
24 aid without fee to any person or uses aquatic skills to provide

1 aid without fee to any person shall not, as a result of his or
2 her acts or omissions, except willful and wanton misconduct on
3 the part of the person in providing the aid, be liable to a
4 person to whom such aid is provided for civil damages.

5 The provisions of this Section shall not apply to any
6 health care facility as defined in Section 8-2001 of the Code
7 of Civil Procedure or to any practitioner as defined in Section
8 8-2003 of the Code of Civil Procedure providing services in a
9 hospital or health care facility.

10 (Source: P.A. 94-825, eff. 7-1-06; 94-1088, eff. 1-25-07.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.